IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

CRL.A.No. 1123 of 2003()

AGAINST THE ORDER IN CRLP.113/2003 Dated 20/06/2003
STC.123/1999 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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APPELLANT: COMPLAINANT

M/S.GEE GEE AGENCIES REPRESENTED BY
ITS PROPRIETOR K.RAJENDRAN, S/O.K.KRISHNAN,
AGED 50 YEARS, AUTO HOME, PALLIKUNNU POST,
KANNUR.

BY ADV. SMT.DAISY THAMPI
SRI.HARIDAS THAIKKANDY

RESPONDENTS: ACCUSED & STATE

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1. KUNJI MOIDEEN, S/O.ASSAINAR,
SEE STAR-TRADING COMPANY,
P.B.NO.1413, DUBAI, U.A.E.

2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1123 of 2003(B)

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Dated this the 10th day of October, 2007

J U D G M E N T

The appellant is the complainant in S.T.C.No.123/1999 in the file of the Judicial Magistrate of the First Class-I, Kannur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 12/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

Sd/-
K.R.UDAYABHANU,
Judge

ms

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P.A.to Judge